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OFFICE OF PETITIONS

ON PETITION

In re Application of :  
Young, et al. :  
Application No.: 10/663,154 :  
Filed: September 15, 2003 :  
Attorney Docket No.: 001674.093686 :

This is a decision on the petition filed August 19, 2004. The petition will be treated under 37 CFR 1.182 in accordance with 37 CFR 1.53(e)(2).

The petition is **granted**.

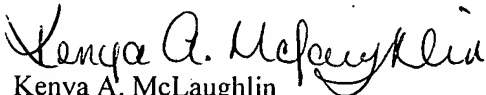
The subject non-provisional application was filed on September 15, 2003. On May 18, 2004, the Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application indicating that the application had not been accorded a filing date because no specification and no claims were found with the application papers. The notice allowed a two-month period for reply. A petition was filed on June 26, 2004, and dismissed by a decision mailed July 16, 2004. The instant petition was filed on August 19, 2004.

Petitioner maintains that the subject application was complete on filing because it is a divisional application of application 09/808,769 and included a statement incorporating by reference the prior application in its entirety.

In view of the incorporation by reference statement found in the application transmittal form, the application will be accorded a filing date of September 15, 2003. The examiner assigned to this application will be expected to compare the specification and claims filed with the instant petition with those contained in application 09/808,769 to be sure the specification and claims of application 10/663,154 do not contain new matter.

The application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of September 15, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.



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Petition Attorney  
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